

## REMARKS

### INTRODUCTION:

In accordance with the foregoing, claims 6, 8, 10, 12, and 14 have been cancelled without prejudice or disclaimer, and claims 1, 3, 9, and 11 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Support for the amendments can be found, e.g., in FIGS. 1 and 4, and paragraph 18 of the Specification.

Claims 1-5, 7, 9, 11, 13, 15-17, and 19 are pending and under consideration. Reconsideration is requested.

### INTERVIEW SUMMARY:

On March 22, 2006, the undersigned Applicants' representative and the Examiner discussed claim limitations regarding the positioning of the air inlet holes with respect to heating units.

### REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 2, item 2, the Examiner rejected claims 8 under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Claim 8 has been cancelled without prejudice or disclaimer.

### REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 2, item 3, the Examiner rejected claims 1-6, and 9-17 under 35 U.S.C. §103(a) as being unpatentable over Perkins et al. (U.S. Patent No. 4,508,024 – hereinafter Perkins) in view of Hedgpeth (U.S. Patent No. 6,125,838). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

In the Office Action, at page 5, item 6, the Examiner rejected claims 7, and 19 under 35 U.S.C. §103(a) as being unpatentable over Perkins et al. (U.S. Patent No. 4,508,024 – hereinafter Perkins) in view of Hedgpeth (U.S. Patent No. 6,125,838), further in view of Hennick (U.S. Patent No. 5,189,945). The reasons for the rejection are set forth in the Office Action and

therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

In the Office Action, at page 5, item 7, the Examiner rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Perkins et al. (U.S. Patent No. 4,508,024 – hereinafter Perkins) in view of Hedgpeth (U.S. Patent No. 6,125,838), and further in view of UK Patent No. 2 286 111. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Claims 6, 8, 10, 12, and 14 have been cancelled without prejudice or disclaimer.

Amended, independent claim 1 recites: "...wherein the air ventilation structure comprises opposing side portions of the cover, each with at least one air inlet hole, to allow inflow of the air therethrough during cooking, and the heating units are disposed along a first axis at opposing ends of an interior space of the cooking apparatus, and the air inlet holes are disposed in the cover at opposing ends of a second axis transverse to the first axis, such that the inlet holes do not face the heating units."

And amended, independent claim 9 recites: "...an air inlet, comprising at least two inlet holes disposed at opposing sides of the cover, and serving as a primary inlet of air into the cooking space when the cover is in a closed position, the inlet holes being positioned along a second axis transverse to the first axis such that the inlet holes do not face the heating units, to prevent outside air in the vicinity of the air inlet from being heated by the heating unit...."

In one embodiment, Perkins discloses a ventilation path through a cooker in which air flows in via the intake vents 42 and out through the exhaust ports 43, to control the rate of cooking, the amount of smoke exhausted, and the percentage of moisture within the chamber of the invention 11. A tab 44 attached to an inner vent ring 46 is used to adjust air intake via the intake vents 42, and an ear 48 extending from rotatable disk 49 is used to adjust exhaust from exhaust ports 43. (See Perkins, at FIGS. 1 and 3, and col. 4, lines 49-68).

Perkins also discloses an embodiment of a cooker with a base 58 having intake vents 63 and a cover 62 with exhaust ports 64, which functions similarly to the first embodiment. Air intake is adjusted via a plate 66 with apertures 67 therein. The plate 66 slides along the base to provide a selective degree of registry between the intake vents 63 and the apertures 67. Intake vents 63 are positioned adjacent to and facing burner elements 87. (See Perkins, at FIGS. 4-6, and col. 6, lines 1-13).

Hedgpeth discloses a grill 20 for use in both mild and windy conditions. The grill 20 has a grill tub 22 with ventilation apertures 45 (shown in FIG. 3) and wind baffles 38-42, each having a series of offset ventilation apertures 47 to create a serpentine flow of air to decrease wind velocity and allow for proper combustion. (See Hedgpeth, at col. 3, lines 18-48). The grill 20 also has a grill hood 24 with ventilation ports 74 to exhaust gasses. Adjacent to the ventilation ports 74, there are slide vent controls 76 to regulate airflow. (See Hedgpeth, at col. 6, lines 49-56). Burner 32 is disposed in a central portion of the grill 20. (See Hedgpeth, at FIG. 2).

FIG. 2 of Hedgpeth illustrates the intended airflow through the grill 20. Specifically, air flows into the ventilation apertures 45, and in a serpentine manner, flows through the ventilation apertures 47 of the wind baffles 38-42, past the burner 32, and then out of the grill hood 24 via the ventilation ports 74.

In contrast, in a non-limiting embodiment of the subject Specification, ceramic heaters 11 are disposed at opposing sides of an interior space of cooking apparatus 100. And air inlet holes 31/31a are positioned in front and rear side portions of the side member of the cover 30/30a, to allow outside air to flow into the cooking space 40 therethrough. The air inlet holes 31/31a do not face the ceramic heaters 11 when the cover 30/30a is laid to cover food. With such an arrangement, the air inlet holes 31/31a do not face the ceramic heaters 11, and thus prevent outside air in the vicinity of the air inlet holes 31 from being heated by the ceramic heaters 11. Therefore, outside air flowing into the cooking space 40 is not heated by the ceramic heaters, thereby increasing an efficiency of operation of the air inlet holes 31/31a. (See Specification, FIGS. 1 and 4, and paragraphs 16-18).

Applicants respectfully submit that independent claims 1 and 9 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicants respectfully submit that claims 2-5, and 7, which depend from independent claim 1, and claims 11, 13, 15-17, and 19, which depend from independent claim 9, should be allowable for at least the same reasons as claims 1 and 9, as well as for the additional features recited therein.

#### CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

Serial No.: 10/705,893

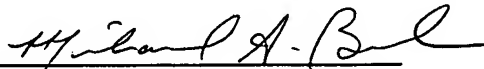
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 04 APR 2006

By:   
Michael A. Bush  
Registration No. 48,893

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501